## AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings of claims in the application:

1. (Previously Presented) A toner, comprising:

toner particles comprising:

a binder resin comprising:

an urea-modified polyester resin; and

a second resin having a weight average molecular weight of from 2,000 to 10,000,

a colorant;

a release agent; and

a particulate material which is present in at least a surface portion of the toner particles while embedded into the surface portion,

wherein the binder resin has a glass transition temperature not lower than 35°C and lower than 55°C, and wherein the particulate material has an average particle diameter of from 0.002 to 0.2 times that of the toner particles;

wherein the particulate material comprises a particulate resin having a glass transition temperature of from 55 to 100°C;

wherein the particulate resin is crosslinked using a crosslinking agent;

wherein the binder resin comprises tetrahydrofuran-insoluble components in an amount of from 2 to 30 % by weight; and

wherein the toner particles are prepared by a method comprising

dissolving or dispersing a toner composition, comprising

(i) at least a polyester prepolymer (A) having an isocyanate group, and being capable of reacting with an active hydrogen;

(ii) an amine (B) as a compound having an active hydrogen,

(iii) said second resin having a weight average molecular weight of from 2,000 to 10,000,

(iv) said colorant, and

(v) said release agent, in an organic solvent, to obtain an oil phase liquid;

dispersing the oil phase liquid in an aqueous medium comprising said particulate material while subjecting the polyester prepolymer (A) to an addition polymerization reaction using said compound having said active hydrogen as a cross-linking agent, extending agent or both, to prepare said urea-modified polyester resin and to prepare a dispersion;

removing at least the organic solvent from the dispersion to prepare the toner particles comprising the binder resin;

washing the toner particles; and

drying the toner particles.

2. (Canceled)

3. (Canceled)

4-7. (Canceled)

8. (Currently Amended) The toner ~~composition~~ according to Claim 1, wherein the second resin is an unmodified polyester resin, and wherein a ratio of the urea-modified polyester resin to the unmodified polyester resin is from 5/95 to 60/40.

9. (Canceled)

10. (Currently Amended) The toner ~~composition~~ according to Claim 1, wherein the particulate resin comprises a resin selected from the group consisting of vinyl resins, polyurethane resins, epoxy resins and polyester resins.

11. (Canceled)

12. (Canceled)

13-14. (Cancelled)

15-20. (Canceled)

21. (Previously Presented) A toner, comprising:

toner particles comprising:

a binder resin comprising:

an urea-modified polyester resin; and

a second resin having a weight average molecular weight of from 2,000 to 10,000,

a colorant;

a release agent; and

a particulate material which is present in at least a surface portion of the toner particles while embedded into the surface portion,

wherein the binder resin has a glass transition temperature not lower than 35°C and lower than 55°C;

wherein the particulate material has an average particle diameter of from 0.002 to 0.2 times that of the toner particles;

wherein the particulate material comprises a particulate resin having a glass transition temperature of from 55 to 100°C;

wherein the particulate resin is crosslinked using a crosslinking agent;

wherein the binder resin comprises tetrahydrofuran-insoluble components in an amount of from 1 to 30 % by weight based on total weight of the binder resin; and

wherein the toner particles are prepared by a method comprising

dissolving or dispersing a toner composition, comprising

(i) at least a polyester prepolymer (A) having an isocyanate group, and being capable of reacting with an active hydrogen;

(ii) an amine (B) as a compound having an active hydrogen,

(iii) said second resin having a weight average molecular weight of from 2,000 to 10,000,

(iv) said colorant, and

(v) said release agent, in an organic solvent, to obtain an oil phase liquid;

dispersing the oil phase liquid in an aqueous medium comprising said particulate material while subjecting the polyester prepolymer (A) to an addition polymerization reaction using said compound having said active hydrogen as a cross-linking agent, extending agent or both, to prepare said urea-modified polyester resin and to prepare a dispersion;

removing at least the organic solvent from the dispersion to prepare the toner particles comprising the binder resin;

washing the toner particles; and

drying the toner particles.

22. (Currently Amended) The toner ~~composition~~ according to Claim 1, wherein the release agent is a wax.

23. (Currently Amended) The toner ~~composition~~ according to Claim 1, further comprising an external additive which is present at least on a surface of the toner particles.

24-25. (Canceled)

26. (Previously Presented) A method for manufacturing a toner comprising toner particles, comprising:

dissolving or dispersing a toner composition, comprising

(i) at least a polyester prepolymer (A) having an isocyanate group, and being capable of reacting with an active hydrogen;

(ii) an amine (B) as a compound having an active hydrogen,

(iii) a second resin having a weight average molecular weight of from 2,000 to 10,000,

(iv) a colorant, and

(v) a release agent, in an organic solvent, to obtain an oil phase liquid;

dispersing the oil phase liquid in an aqueous medium comprising a particulate material while subjecting the polyester prepolymer (A) to an addition polymerization reaction using said compound having said active hydrogen as a cross-linking agent, extending agent or both, to prepare a urea-modified polyester resin and to prepare a dispersion;

removing at least the organic solvent from the dispersion to prepare the toner particles comprising a binder resin which comprises said urea-modified polyester resin and said second resin having a weight average molecular weight of from 2,000 to 10,000;

washing the toner particles; and

drying the toner particles; thereby obtaining the toner comprising

said toner particles comprising:

said binder resin comprising:

the urea-modified polyester resin; and

the second resin having a weight average molecular weight of from 2,000 to 10,000,

the colorant;

the release agent; and

the particulate material which is present in at least a surface portion of the toner particles while embedded into the surface portion,

wherein the binder resin has a glass transition temperature not lower than 35°C and lower than 55°C;

wherein the particulate material has an average particle diameter of from 0.002 to 0.2 times that of the toner particles;

wherein the particulate material comprises a particulate resin having a glass transition temperature of from 55 to 100°C;

wherein the particulate resin is crosslinked using a crosslinking agent; and

wherein the binder resin comprises tetrahydrofuran-insoluble components in an amount of from 2 to 30 % by weight.

27. (Currently Amended) A developer, comprising:

a toner ~~composition~~ according to Claim 1; and

a carrier comprising a layer on a surface thereof,

wherein the layer comprises at least one member selected from the group consisting of an acrylic resin, a silicone resin and mixtures thereof.

28. (Currently Amended) A method for fixing a toner image, comprising:

passing an image bearing material bearing a toner image thereon through a nip between a fixing belt and a pressure member while applying heat to the toner image to fix the toner image on the image bearing material, wherein the fixing belt has a U form at the nip,

wherein said fixing belt is heated and winds around the pressure member before the nip formed by the fixing belt and the pressure member;

wherein the nip has a shape such that the nip is concaved toward a side of the fixing belt contacting the toner image;

wherein a toner that forms said toner image on the image bearing material is the toner according to Claim 1.